

REMARKS

Reconsideration and allowance of the subject application are respectfully solicited.

Claims 1, 3 through 14, 16 through 27, 29 through 40, and 42 through 54 are pending, with Claims 1, 14, 27, and 40 being independent. Claims 2, 15, 28, and 41 have been cancelled without prejudice. Claims 1, 3, 4, 6, 7, 10 through 14, 16, 17, 19, 20, 22 through 27, 29, 30, 32, 33, 37 through 40, 42, 43, 45, 46, 48, and 49 through 52 have been amended.

REQUEST FOR RETURN OF OCTOBER 28, 2003 FORM PTO-1449

Applicants respectfully note that the Office has not indicated consideration of the “OTHER DOCUMENTS” (the two PCT documents) submitted with the October 28, 2003 Information Disclosure Statement, which the Official Action indicated were “non-published” papers. In response, Applicants respectfully submit that if the minimum requirements of 37 C.F.R. §§ 1.97 and 1.98 are met, the information should be considered. MPEP 609. And there is no requirement that the information must be prior art references in order to be considered by the Examiner. *Id.* Here, the documents were English-language documents, copies of which were provided, and therefore their citation was in full compliance with 37 C.F.R. §§ 1.97 and 1.98. MPEP 609.04(a). Accordingly, consideration thereof and return of the initialed Form PTO-1449 earnestly is solicited. To this end, a clean copy of the form is attached hereto.

FURTHER REMARKS

Claims 1 through 54 again were variously rejected under 35 U.S.C. §§ 102 and 103 over European Patent Document No. 0 945 864 A2 (Ando, et al.), European Patent Document No. 0 915 469 A2 (Asai, et al.), and U.S. Patent No. 5,440,401 (Parulski, et al.). All rejections are respectfully traversed.

Claims 1, 14, 27, and 40 variously recite, inter alia, recording or adding information indicating a purpose of use of the representative image as attribute information, with selecting as claimed. (It will be appreciated that Claims 1, 14, 27, and 40 have been amended to include the features of rejected Claims 2, 15, 28, and 41.) Applicants respectfully submit that, by way of example and not of limitation, a thumbnail image having Type ID=1 (which indicates that the purpose of use of the thumbnail image is to browse) is used when executing browsing. Of course, the claims are not limited to the disclosed embodiments.

However, Applicants respectfully submit that none of Ando, et al., Asai, et al., and Parulski, et al., even in the proposed combinations, assuming, arguendo, that the documents could be combined, discloses or suggests at least the above-discussed claimed features as recited, inter alia, in Claims 1, 14, 27, and 40.

In this regard, Applicants respectfully submit that Ando, et al. shows, e.g., in Fig. 4 that list display window 41 displays the dynamic browser images or the dynamic images (called reference images 43A-43F) of the corresponding video and audio materials and text information 44A-44F, such as the names of files, the number of frames, and the names of materials (see, e.g., Fig. 4; [0032]-[0037]), and selected material display window 42 displays, e.g., representative images 48A and 48B. The Official Action at page 2 that “the type of the browser window 41 and selection windows 42 served as the attribute containing the purpose of the video clip”. This statement is respectfully traversed. Applicants respectfully submit that neither the foregoing nor the remainder of Ando, et al. provides either a description or a suggestion of at least the above-discussed claimed features as recited, inter alia, in Claims 1, 14, 27, and 40, including the recitation of purpose of use of the representative image.

It is further respectfully submitted that there has been no showing of any indication of motivation in the cited documents that would lead one having ordinary skill in the art to arrive at the above-discussed claimed features.

The dependent claims are also submitted to be patentable because they set forth additional aspects of the present invention and are dependent from independent claims discussed above. Therefore, separate and individual consideration of each dependent claim is respectfully requested.

This Amendment After Final Rejection is an earnest attempt to advance prosecution and reduce the number of issues, and is believed to clearly place this application in condition for allowance. Furthermore, Applicants respectfully submit that a full appreciation of these amendments will not require undue time or effort given the Examiner's familiarity with this application. Moreover, this Amendment was not earlier presented because Applicants earnestly believed that the prior Amendment placed the subject application in condition for allowance. Accordingly, entry of this Amendment under 37 C.F.R. § 1.116 is respectfully requested. Applicants submit that this application is in condition for allowance, and a Notice of Allowance is respectfully requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

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